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**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

RITA RAGONE,

Plaintiff,

V.

ATLANTIC VIDEO, INC., improperly identified as "Atlantic Video at the Manhattan Center, d/b/a MCP-AV, Inc.", ESPN, INC., WOODY PAIGE, JAY CRAWFORD, TED NELSON and LORI BERLIN,

Defendants.

Civil Action No.: 07:CV:6084

Return Date: November 8, 2007

**ATLANTIC VIDEO, INC.'S MOTION TO DISMISS THE COMPLAINT
AND TO COMPEL ARBITRATION**

COMES NOW the Defendant, ATLANTIC VIDEO, INC. (hereinafter, "AVI"), improperly identified as "Atlantic Video at the Manhattan Center, d/b/a MCP-AV, Inc.", by and through its attorneys, BONNER KIERNAN TREBACH & CROCIATA, LLP, pursuant to Fed. R. Civ. P. 12(b)(6), and the Federal Arbitration Act, 9 U. S.C. § 3, 4, and respectfully moves this Court for entry of an order: (1) dismissing this action because all claims contained in the Complaint are subject to arbitration under a valid arbitration agreement and, therefore, the complaint fails to state a cause of action; and (2) compelling Plaintiff, Rita Ragone, ("Ragone"

or "Plaintiff") to arbitrate the claims asserted in her Complaint pursuant to the arbitration agreement she entered into with AVI. (the "Agreement").

In further support of its Motion to Dismiss the Complaint and to Compel Arbitration, AVI respectfully refers the Court to the Memorandum of Law attached hereto and incorporated herein by reference.

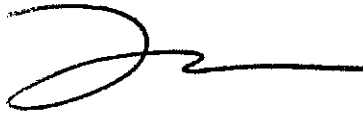
WHEREFORE, Defendant Atlantic Video, Inc., respectfully requests that this Court dismiss Plaintiff's Complaint and compel Plaintiff to arbitrate the claims asserted in her Complaint, and for such other and further relief as may be just and proper.

DATED: October 1, 2007

Respectfully submitted,

ATLANTIC VIDEO, INC.

By Counsel



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